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IRA J. SCHAEFER, ESQ.
CLIFFORD CHANCE RODGERS & WELLS LLP
200 PARK AVENUE
NEW YORK, NY 10166

In re Patent No. 6,347,229
Issue Date: February 12, 2002
Application No. 09/383,812
Filed: August 26, 1999
Attorney Docket No. 10008/0026

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed December 6, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A grantable petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (1) above.

With regards to item (1), the statement of unintentional delay cannot be accepted since it appears that the instant petition is signed on the behalf of the assignee and fails to comply with the requirements of 37 CFR 3.73(b).

The Statement Under 37 CFR 3.73(b) filed on December 9, 2010, cannot be accept as it indicates that Intech 21, Inc., is the assignee of the entire right, title and interest. However, according to the assignment recorded with the Office on August 26, 1999 (Reel 010207, Frame 0030), indicates that both Intech 21, Inc and Secure Care Products, Inc are the assignee of record.

Therefore, when an assignee seeks to take action in a matter before the Office with respect to a patent application, patent, or reexamination proceeding and the right, title, and interest therein is held by more than one assignee, each partial assignee must provide a submission under 37 CFR 3.73(b). In each submission, the extent of each assignee's interest must be set forth so that the Office can determine whether it has obtained action by the entirety of the right, title and interest holders (owners). 37 CFR 3.73(c)(2).

In view of the above, the Revocation and New Power of Attorney submitted on December 9, 2010, cannot be accepted at this time.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If petitioner does not wish to pursue reinstatement of this expired patent, petitioner may request a refund of the \$2880 fees of submitted with the petition. The request should be made in writing and addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record until otherwise notified by applicant.

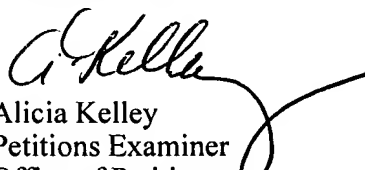
Further correspondence with respect to this matter should be addressed as follows:

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By hand: U. S. Patent and Trademark Office
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 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6059.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: VICTOR ZELMANOVICH
 INTECH 21, INC.
 21 HARBOR PARK DRIVE NORTH
 PORT WASHINGTON, NY 11050